

1.0 Labor Commission

Department Mission Statement

The Utah Labor Commission serves the people by assuring a safe, healthful, fair, non-discriminatory work environment; assuring fair housing practices; and promoting employee and employer general welfare without needless interference.

	Analyst FY 2005	Analyst FY 2005	Analyst FY 2005
Financing	Base	Changes	Total
General Fund	4,425,200		4,425,200
General Fund Restricted	754,600		754,600
Federal Funds	2,309,500		2,309,500
Trust and Agency Funds	948,300		948,300
Transfers	25,000		25,000
Total	\$8,462,600	\$0	\$8,462,600
Programs			
Labor Commission	8,462,600		8,462,600
Total	\$8,462,600	\$0	\$8,462,600
FTE/Other			
Total FTE	115		115

2.0 Budget Highlights: Labor Commission

2.1 Intent Language and Proposed Intent Language

The Analyst proposes the following intent language:

The Legislature does not intend to lapse fees collected from sponsoring seminars, so that the agency can offer yearly training seminars using the funds collected.

This has been successful in retaining funds that might have lapsed and making them available for additional training and education opportunities. This authorizes the funds to be retained and used for their original intent.

2.2 Restore \$455,500 General Fund to Industrial Accidents.

In FY 2003, General Fund for the Industrial Accidents Division was replaced with funds from the Uninsured Employers' Fund and the Workplace Safety Fund. This was done as part of the overall General Fund reductions.

This measure was not meant to be ongoing for more than two years and the Workers' Compensation Advisory Committee is now asking that General Funds be restored to the Industrial Accidents Division.

Continued funding of the Industrial Accidents Division using the two funds will create actuarial problems for future years and hampers the promotion of safety issues from the Workplace Safety Fund.

The Analyst recommends including this item for consideration at the end of session.

3.1 Programs: Labor Commission-Administration

Recommendation

The Analyst recommends funding of \$1,457,600.

Financial Summary

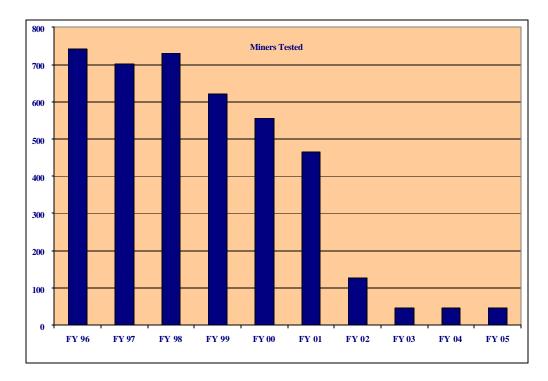
	2003	2004	2005	Est/Analyst
Financing	Actual	Estimated*	Analyst	Difference
General Fund	1,337,800	1,344,700	1,325,200	(19,500)
General Fund, One-time		3,900		(3,900)
Federal Funds	139,600	161,700		(161,700)
Uninsured Employers' Fund	231,700		107,400	107,400
Transfers			25,000	25,000
Lapsing Balance	(72,400)	126,800		(126,800)
Total	\$1,636,700	\$1,637,100	\$1,457,600	(\$179,500)
Expenditures				
Personal Services	1,424,500	1,271,600	1,267,400	(4,200)
In-State Travel	1,600	1,400	1,400	
Out of State Travel	(1,500)	3,700	3,700	
Current Expense	96,900	114,800	100,200	(14,600)
DP Current Expense	48,100	102,900	84,900	(18,000)
Other Charges/Pass Thru	67,100	142,700		(142,700)
Total	\$1,636,700	\$1,637,100	\$1,457,600	(\$179,500)
FTE/Other				
Total FTE	18	16	16	(0)
*Non-state funds as estimated by agency				

Summary

The Administration provides overall management and oversight to the Labor Commission. Centralized accounting, payroll, personnel, information technology management, and budgeting are included in this program.

Performance Measure

This graph shows the number of miners tested in steep decline.



3.2 Programs: Labor Commission-Division of Industrial Accidents

Recommendation

The Analyst recommends funding of \$1,076,200. Two Trust Funds are included in the recommendation. They are: 1) the Employers Reinsurance Trust Fund; and 2) the Uninsured Employers' Trust Fund. Funding for these funds comes through workers' compensation premiums.

Financial Summary

Financing	2003 Actual	2004 Estimated*	2005 Analyst	Est/Analyst Difference
Federal Funds	18,700	15,500	15,500	
GFR - Workplace Safety	227,700	229,800	219,800	(10,000)
Employers' Reinsurance Fund	194,500	214,700	210,200	(4,500)
Uninsured Employers' Fund	640,300	662,500	630,700	(31,800)
Lapsing Balance	(136,400)			
Total	\$944,800	\$1,122,500	\$1,076,200	(\$46,300)
Expenditures Personal Services	868,200	1,035,900	989,600	(46,300)
In-State Travel	3,900	4,000	4,000	
Out of State Travel	5,600	5,600	5,600	
Current Expense	39,300	53,200	53,200	
DP Current Expense	18,800	23,800	23,800	
DP Capital Outlay	9,000			
Total	\$944,800	\$1,122,500	\$1,076,200	(\$46,300)
FTE/Other				
Total FTE	18	18	18	(0)
*Non-state funds as estimated by agency				

Summary

The Division investigates allegations of noncompliance and, through a series of methods, attempts to bring firms into compliance with State workers' compensation laws. The Division assesses penalties for non-compliance. They monitor injury reporting, injured employee return to work, carrier payment compliance, and informally resolving workers' compensation compliance disputes.

Employers' Reinsurance Fund

Several divisions, including this one use restricted funding. The Employers' Reinsurance Fund is "for the purpose of making payments for industrial accidents or occupational diseases resulting in permanent total disability occurring on or before June 30, 1994.

Uninsured Employers' Fund

The Uninsured Employers' Fund has "the purpose of assisting in the payment of workers' compensation benefits to any person entitled to the benefits, if:

- 1) that person's employer:
 - A) is individually, jointly, or severally liable to pay the benefits;
 - B) (I) becomes or is insolvent:
 - (II) appoints or has appointed a receiver; or
 - (III) otherwise does not have sufficient funds, insurance, sureties, or other security to cover workers' compensation liabilities; and
- 2) the employment relationship between that person and the person's employer is localized within the State as provided by statute.

3.3 Programs: Labor Commission-Appeals Board

Recommendation

The Analyst recommends funding of \$12,100 from the General Fund.

Financial Summary

Financing General Fund	2003 Actual 12,600	2004 Estimated* 12,100	2005 Analyst 12,100	Est/Analyst Difference
Lapsing Balance	(2,000)	***	***	***
Total	\$10,600	\$12,100	\$12,100	\$0
Expenditures				
Personal Services	9,700	12,100	11,600	(500)
Current Expense	900			
DP Current Expense			500	500
Total	\$10,600	\$12,100	\$12,100	\$0
FTE/Other				
*Non-state funds as estimated by agency				

Summary

The program provides an appeals process alternative to the Commissioner.

3.4 Programs: Labor Commission-Adjudication

Recommendation

The Analyst recommends \$700,300 from the General Fund.

Financial Summary

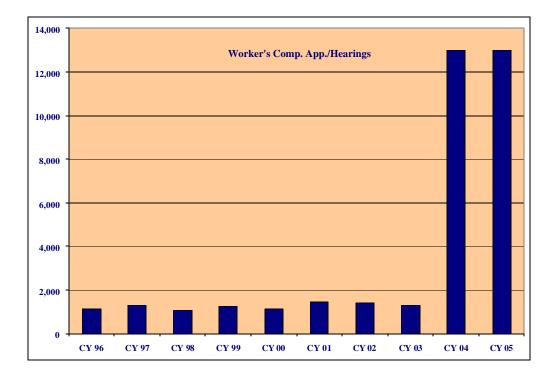
Financing General Fund General Fund, One-time Total	2003 Actual 715,800 \$715,800	2004 Estimated* 700,200 2,300 \$702,500	2005 Analyst 700,300 \$700,300	Est/Analyst Difference 100 (2,300) (\$2,200)
10141	Ψ715,000	φ102,300	ψ100,500	(ψ2,200)
Expenditures				
Personal Services	659,000	666,300	664,100	(2,200)
In-State Travel	4,600	3,300	3,300	
Out of State Travel	800			
Current Expense	41,900	24,800	24,800	
DP Current Expense	9,500	8,100	8,100	
Total	\$715,800	\$702,500	\$700,300	(\$2,200)
FTE/Other Total FTE	10	10	10	0
*Non-state funds as estimated by agency				

Summary

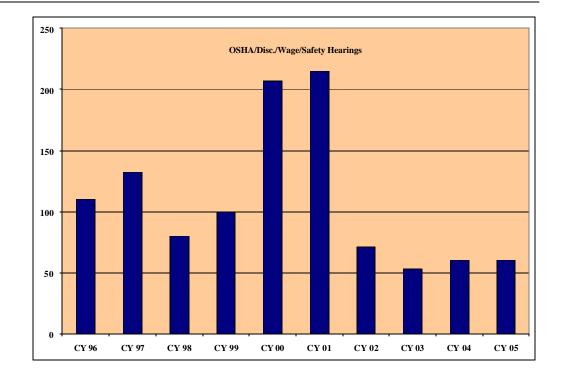
Adjudication conducts administrative hearings regarding employment relations. This includes issues related to workers' compensation, anti-discrimination, wage and hour, labor relations, occupational safety and health, and boiler and elevator safety.

Performance Measure

The number of Workers' Compensation hearings is expected to increase dramatically.

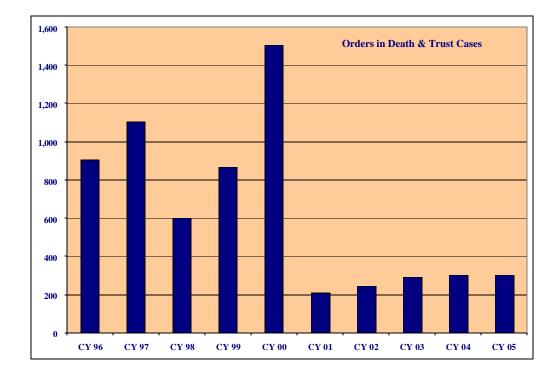


After a sharp spike in 2000 and 2001, OSHA, Wage and Safety hearings decline.



Performance Measure

After a sharp spike in 2000, there is an even sharper decline and leveling out at a much lower equilibrium.



3.5 Programs: Labor Commission-Division of Safety

Recommendation

The Analyst recommends \$1,013,200.

Financial Summary

Financing	2003 Actual	2004 Estimated*	2005 Analyst	Est/Analyst Difference
General Fund	1,015,000	1,013,000	1.013.200	200
General Fund, One-time	1,013,000	3,000	1,013,200	(3,000)
Lapsing Balance	(46,700)			
Total	\$968,300	\$1,016,000	\$1,013,200	(\$2,800)
Expenditures				
Personal Services	852,500	889,500	886,700	(2,800)
In-State Travel	11,500	11,600	11,600	
Out of State Travel	3,600	6,500	6,500	
Current Expense	94,800	96,500	96,500	
DP Current Expense	5,900	11,900	11,900	
Total	\$968,300	\$1,016,000	\$1,013,200	(\$2,800)
FTE/Other				
Total FTE	14	14	14	0
*Non-state funds as estimated by agency				

Summary

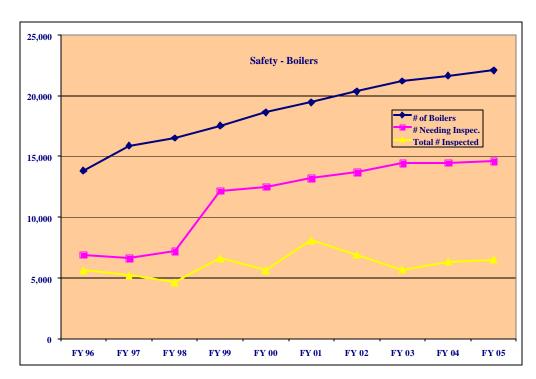
The Division of Safety is responsible for safety inspections of boilers, pressure vessels and elevators.

On average, over 500 new boilers and 250 new elevators are being installed in Utah each year.

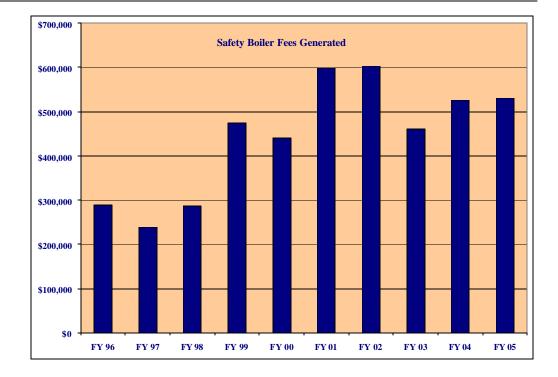
All of the inspectors generate revenue from fees paid by the companies for the inspections.

Performance Measures

The total number being inspected does not seem to be keeping up with the need for inspections.

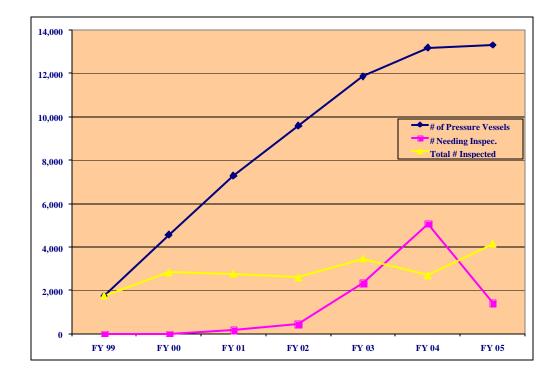


Revenues are generally increasing.



Performance Measures

The total inspected is expected to cross the number needing inspection in the coming year because the number needing inspection is declining.

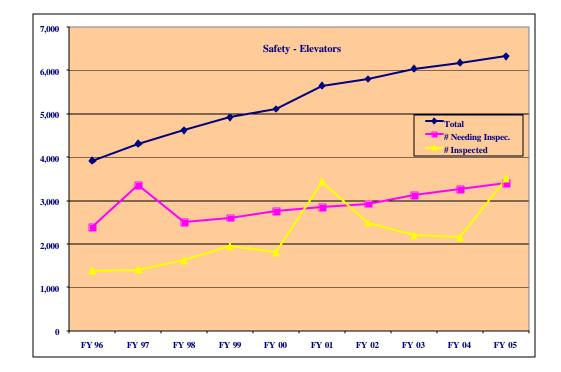


Collections are increasing dramatically.

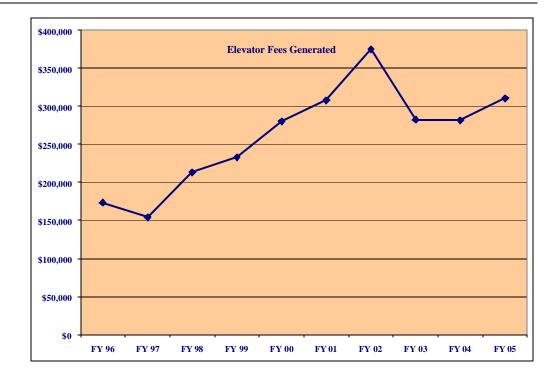


Performance Measures

The number needing inspection and the number inspected are projected to match up in FY 05.



Elevator fee collections spike in FY 2002 and then start going up again in FY 2005.



3.6 Programs: Labor Commission-Workplace Safety

Recommendation Financial Summary

The Analyst recommends funding of \$494,500.

Financing	2003 Actual	2004 Estimated*	2005 Analyst	Est/Analyst Difference
GFR - Workplace Safety	474,100	494,900	494,500	(400)
Transfers	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	38,000	.,,,,,,,	(38,000)
Lapsing Balance	(53,200)	,		(00,000)
Total	\$420,900	\$532,900	\$494,500	(\$38,400)
Expenditures				
Personal Services	119,100	114,100	113,700	(400)
In-State Travel	700	700	700	
Out of State Travel	500	1,000	1,000	
Current Expense	44,200	52,800	52,800	
DP Current Expense	1,500	4,500	4,500	
Other Charges/Pass Thru	254,900	359,800	321,800	(38,000)
Total	\$420,900	\$532,900	\$494,500	(\$38,400)
FTE/Other				
Total FTE	2	2	2	0
*Non-state funds as estimated by agency				

Summary

The Workplace Safety Fund was established in 1996 to provide free safety consultation services and promote workplaces safety. Grants are available to local employers to upgrade their safety programs. The fund has initiated a media campaign through television and radio ads.

3.7 Programs: Labor Commission-Utah Anti-Discrimination and Labor Division

Recommendation

The Analyst recommends funding of \$1,176,900. General Fund and Federal Funds are the two sources of funding for this program. These are estimates for two federal grants based on: 1) Equal Employment Opportunity Commission contract; and 2) HUD Fair Housing contract.

Financial Summary

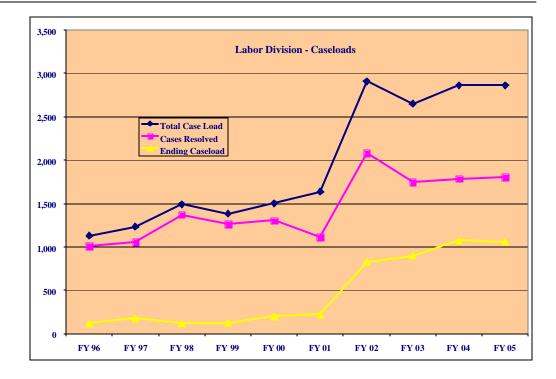
T	2003	2004	2005	Est/Analyst
Financing	Actual	Estimated*	Analyst	Difference
General Fund	522,000	625,300	643,700	18,400
General Fund, One-time		1,900		(1,900)
Federal Funds	618,400	553,200	533,200	(20,000)
Lapsing Balance	(36,400)			
Total	\$1,104,000	\$1,180,400	\$1,176,900	(\$3,500)
Expenditures				
Personal Services	1,003,500	1,071,900	1,068,400	(3,500)
In-State Travel	3,100	3,100	3,100	
Out of State Travel	13,400	13,400	13,400	
Current Expense	70,200	78,200	78,200	
DP Current Expense	13,800	13,800	13,800	
Total	\$1,104,000	\$1,180,400	\$1,176,900	(\$3,500)
FTE/Other				
Total FTE	22	21	21	0
TotalFIE	22	21	21	U
*Non-state funds as estimated by agency				

Summary

The Utah Anti-Discrimination and Labor Division (UALD) resolves complaints which allege discrimination in employment on the basis of race, color, sex, pregnancy, childbirth, or pregnancy-related conditions, religion, national origin, age, and disability. It addresses complaints which allege discrimination in housing on the basis of race, color, religion, sex, national origin, disability, familial status, and source of income.

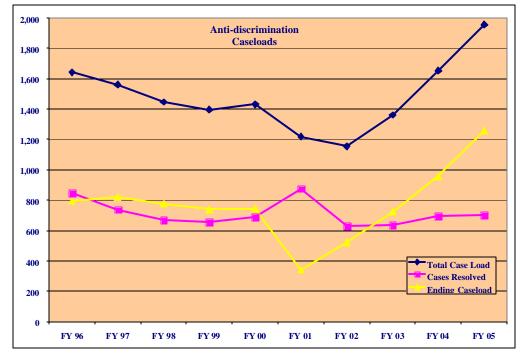
It is also responsible for laws which require the payment of earned wages, establish a minimum wage, license private employment agencies, and protect youth in employment. Additionally, the Division conducts training for the public at large in order to encourage voluntary compliance with the laws it enforces.

Labor cases spiked in FY 2002 and leveled off at a new plateau. Cases resolved is headed in the right direction but is not keeping up with caseloads.

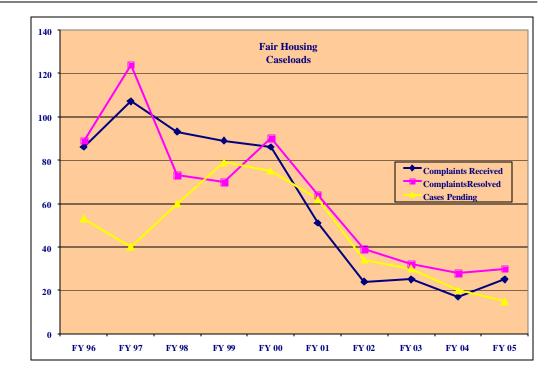


Performance Measures

Caseloads decreased to FY 02 and then increased dramatically. Cases Resolved hasn't kept up. Ending Caseloads have increases from less than 400 in FY 01 to more than 1,200 in FY 05.



After peaking in FY 99, the number of cases pending has declined rapidly.



3.8 Programs: Labor Commission-Utah Occupational Safety and Health Division

Recommendation

The Analyst recommends funding of \$2,392,500. The funding is approximately 75 percent Federal Funds. Three federal grants are expected: 1) OSHA Compliance grant; 2) OSHA Consultation grant; and a 3) Department of Labor Bureau of Labor and Statistics grant.

Financial Summary

2003	2004	2005	Est/Analyst
			Difference
605,900		591,400	(5,000)
	*		(1,600)
1,669,000	1,760,800	1,760,800	
29,800	40,300	40,300	
(29,800)			
\$2,274,900	\$2,399,100	\$2,392,500	(\$6,600)
1,882,000	2,016,000	2,009,400	(6,600)
18,900	18,900	18,900	
27,800	27,700	27,700	
312,700	267,400	267,400	
33,500	69,100	69,100	
\$2,274,900	\$2,399,100	\$2,392,500	(\$6,600)
35	34	34	1
	Actual 605,900 1,669,000 29,800 (29,800) \$2,274,900 1,882,000 18,900 27,800 312,700 33,500 \$2,274,900	Actual Estimated* 605,900 596,400 1,600 1,669,000 1,760,800 29,800 40,300 (29,800) \$2,274,900 \$2,399,100 1,882,000 2,016,000 18,900 18,900 27,800 27,700 312,700 267,400 33,500 69,100 \$2,274,900 \$2,399,100	Actual Estimated* Analyst 605,900 596,400 591,400 1,660 1,660 1,760,800 1,669,000 1,760,800 1,760,800 29,800 40,300 40,300 (29,800) \$2,399,100 \$2,392,500 1,882,000 2,016,000 2,009,400 18,900 18,900 18,900 27,800 27,700 27,700 312,700 267,400 267,400 33,500 69,100 69,100 \$2,274,900 \$2,399,100 \$2,392,500

Summary

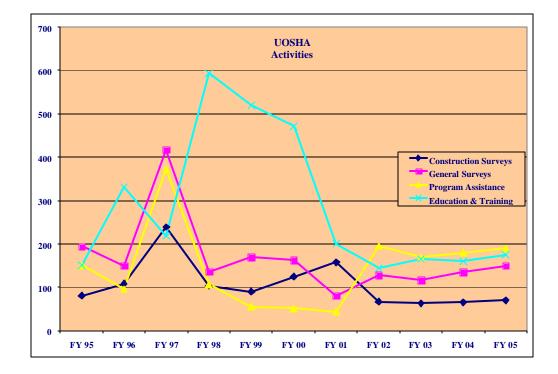
The Utah Occupational Safety and Health (UOSH) Act is almost identical to the federal OSHA. The main differences are that UOSH has jurisdiction over state and local government employers.

Work places are inspected for compliance with workplace safety and health standards. Employers in violation of standards are required to make corrections in a timely manner. Inspections include sampling suspected hazardous materials for laboratory testing.

Employers may request a penalty free consultation inspection to identify any safety or health deficiencies to assist them in making a safe and healthy workplace. The program trains workers and employers to understand safety standards. The drug-free workplace program is included in this budget. Inspectors also check to assure that businesses carry workers' compensation insurance.

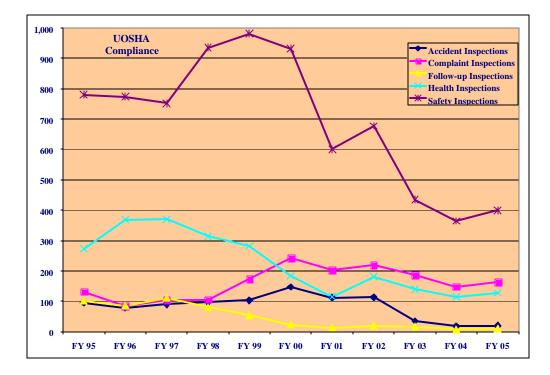
Federal funding provides for consulting, compliance inspections and development of labor safety statistics.

These are all activity not results measures. After a lot of fluctuations, things seem to have leveled off since FY 2002.

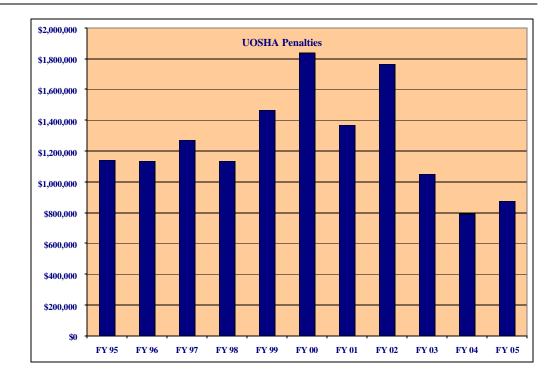


Performance Measures

Compliance measures are all in decline.



Penalty revenue is also in steep decline with a projected upturn in FY 05.



3.9 Programs: Labor Commission-Building Rent

Recommendation

The Analyst recommends funding of \$139,300 in General Fund.

Financial Summary

Financing General Fund	2003 Actual 139,300	2004 Estimated* 133,500	2005 Analyst 139,300	Est/Analyst Difference 5,800
Total	\$139,300	\$133,500	\$139,300	\$5,800
Expenditures Current Expense	139,300	133,500	139,300	5.800
Total	\$139,300	\$133,500	\$139,300	\$5,800

Summary

The Labor Commission is primarily located at the Heber M. Wells Building off of Third South and First East in Salt Lake City. The building is owned by the State and operated by the Division of Facilities and Construction Management (DFCM).

4.0 Tables: Labor Commission

	2001	2002	2003	2004	2005
Financing	Actual	Actual	Actual	Estimated*	Analyst
General Fund	5,070,400	5,045,800	4,348,400	4,425,200	4,425,200
General Fund, One-time				12,700	
General Fund Restricted	861,000	1,000,200	731,600	765,000	754,600
Federal Funds	2,207,500	2,402,100	2,445,700	2,491,200	2,309,500
Trust and Agency Funds	803,200	827,500	1,066,500	877,200	948,300
Transfers				38,000	25,000
Beginning Balance	13,000	25,000			
Closing Balance	(25,000)				
Lapsing Balance	(36,700)	(479,000)	(376,900)	126,800	
Total	\$8,893,400	\$8,821,600	\$8,215,300	\$8,736,100	\$8,462,600
Programs					
Labor Commission	8,893,400	8,821,600	8,215,300	8,736,100	8,462,600
Total	\$8,893,400	\$8,821,600	\$8,215,300	\$8,736,100	\$8,462,600
Expenditures					
Personal Services	6,901,000	7,071,800	6,818,500	7.077.400	7,010,900
In-State Travel	39,300	44.600	44,300	43,000	43,000
Out of State Travel	67,900	68,200	50,200	57,900	57,900
Current Expense	1,185,100	890,400	840,200	821,200	812,400
DP Current Expense	238,300	194,300	131,100	234,100	216,600
DP Capital Outlay	22,300	,	9,000	,	,
Other Charges/Pass Thru	439,500	552,300	322,000	502,500	321,800
Total	\$8,893,400	\$8,821,600	\$8,215,300	\$8,736,100	\$8,462,600
FTE/Other					
	130	121	119	115	115

4.0 Federal Funds: Labor Commission

Program/Federal Grant		FY 2003 Actual	FY 2004 Estimated	FY 2005 Analyst
Anti-discrimination	Federal	273,200	306,300	306,300
Department of Labor	Required State Match			
Equal Employment Opportunity Commission (EEOC)	Total	273,200	306,300	306,300
Housing & Urban Development	Federal	345,200	226,900	226,900
Cooperative Agreement	Required State Match			
	Total	345,200	226,900	226,900
Industrial Accidents	Federal	18,700	15,500	15,500
DOL, OSHA	Required State Match	18,700	15,500	15,500
OSHA 23G State Plan Grant	Total	37,400	31,000	31,000
Administrative Division	Federal	139,600	161,700	0
DOL, Mine Safety & Health Administration	Required State Match_	35,000	40,500	0
Mine Safety & Health Grant	Total	174,600	202,200	0
Utah Occupational Safety & Health				
DOL, OSHA	Federal	1,054,000	1,211,500	1,211,500
OSHA 23G State Plan Grant	Required State Match	1,054,000	1,211,500	1,211,500
	Total	2,108,000	2,423,000	2,423,000
DOL, OSHA	Federal	416,700	468,800	468,800
OSHA 21D State Plan Grant	Required State Match_	46,500	52,000	52,000
	Total	463,200	520,800	520,800
DOL - Bureau of Labor Statistics	Federal	48,100	55,500	55,500
BLS Occupational Safety & Health Statistics	Required State Match	48,100	55,500	55,500
	Total	96,200	111,000	111,000
Workplace Safety	Federal	150,200	25,000	25,000
DOL, OSHA	Required State Match_	150,200	25,000	25,000
OSHA 23G State Plan Grant	Total	300,400	50,000	50,000
	Federal	2,445,700	2,471,200	2,309,500
	Required State Match_	1,352,500	1,400,000	1,359,500
	Total _	3,798,200	3,871,200	3,669,000

4.2 Fees

Fees for Administration:	Old Fee	New Fee	Fee Change
Self-Insure for Workers Compensation Certificate	900.00	1 200 00	200.00
Renewal	500.00	1,200.00 650.00	300.00 150.00
Certificate to Self-Insured for Renewal Additional Entity	300.00	75.00	75.00
Boiler and Pressure Vessel Inspections		73.00	75.00
Original Exam for Certificate of Competency	25.00	25.00	
Renewal of Certificate of Competency	20.00	20.00	
Owner-User Inspection Agency Certification	250.00	250.00	
Jacketed Kettles and Hot Water Supply			
Boilers less than 250,000 BTU			
Existing	30.00	30.00	
New	45.00	45.00	
Boilers > 250,000 BTU but < 4,000,000 BTU			
Existing	60.00	60.00	
New Boilers > 4,000,001 BTU but < 20,000,000 BTU	90.00	90.00	
Existing	150.00	150.00	
New	225.00	225.00	
Boilers > 20,000,000 BTU	223.00	223.00	
Existing	300.00	300.00	
New	450.00	450.00	
Replacement Boiler Certificate	15.00	15.00	
Consultation, witness special inspection (per hour)	60.00	60.00	
Pressure Vessel Inspection			
Existing	30.00	30.00	
New	45.00	45.00	
Pressure Vessel Inspection by Owner-user:	5 00	7 00	
25 or less on single statement (per vessel) 26 t hrough 100 on single statement (per statement)	5.00 100.00	5.00 100.00	
101 through 500 on single statement (per statement)	200.00	200.00	
over 500 on single statement (per statement)	400.00	400.00	
Elevator Inspections Existing Elevators:	100.00	100.00	
Hydraulic	85.00	85.00	
Electric	85.00	85.00	
Handicapped	85.00	85.00	
Other Elevators	85.00	85.00	
Replacement Elevator Certificate	15.00	15.00	
Elevator Inspections New Elevators:	***	***	
Hydraulic	300.00	300.00	
Electric Handicapped	700.00 200.00	700.00 200.00	
Other Elevators	200.00	200.00	
Escalators/Moving Walks	700.00	700.00	
Remodeled Electric	500.00	500.00	
Roped Hydraulic	500.00	500.00	
Consultation and review (per hour)	60.00	60.00	
Coal Mine Certification:			
Mine Foreman	50.00	50.00	
Temporary Mine Foreman	35.00	35.00	
Fire Boss	50.00	50.00	
Surface Foreman	50.00	50.00	
Temporary Surface Foreman	35.00 50.00	35.00 50.00	
Electrician underground Electrician surface	50.00	50.00	
Annual Electrical Recertification	35.00	35.00	
Hoistman	50.00	50.00	
Certification Retest (per sections)	20.00	20.00	
Hard Rock Mine Certification:			
Hard Rock Mine Foreman	50.00	50.00	
Temporary Hard Rock Mine Foreman	35.00	35.00	
Hard Rock Surface Foreman	50.00	50.00	
Temporary Hard Rock Surface Foreman	35.00	35.00	
Electrician underground	50.00	50.00	
Electrician surface	50.00	50.00	
Annual Electrical Recertification	35.00	35.00	
Hoistman Certification Retest (per sections)	50.00 20.00	50.00 20.00	
Continuation retest (per sections)	20.00	20.00	

Legislative Fiscal Analyst

Hydrocarbon Mine Certifications:		
Gilsonite Mine Foreman	50.00	50.00
Gilsonite Mine Examiner	50.00	50.00
Temporary Gilsonite Mine Foreman	35.00	35.00
Gilsonite Shot Firer	50.00	50.00
Hoistman	50.00	50.00
Certification Retest (per section)	20.00	20.00